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HEALTH ADVOCATES, INC.

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

B&G FOODS NORTH AMERICA, INC.,

Plaintiff,

v.

KIM EMBRY and ENVIRONMENTAL  
HEALTH ADVOCATES, INC., acting as  
enforcement representatives under California  
Proposition 65 on behalf of the State of  
California,

Defendants.

Case No. 2:20-cv-00526-KJM-DB

**NOTICE OF RELATED CASES**

Related Case Nos.

2:24-mc-00002-DAD-DB [Glick MTQ]  
2:24-mc-00003-DJC-CKD [Schulte MTQ]  
2:24-mc-00011-DAD-JDP [Markley MTQ]  
2:24-mc-00014-DAD-JDP [Nicholas MTQ]  
2:24-mc-00040-WBS-DB [Meeker MTC]

**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Pursuant to Local Rule 123(b), Defendants Kim Embry (“Embry”) and Environmental Health Advocates, Inc. (“EHA”) (together, “Defendants”) file this Notice of Related Case. The following miscellaneous cases are related because they concern discovery motions involving subpoenas served by Plaintiff B&G Foods North America, Inc. (“B&G”) in this action – *B&G Foods North America, Inc. v. Kim Embry/EHA*, No. 2:20-cv-00526-KJM-DB. B&G served subpoenas on counsel of record for Defendants (Messrs. Nicholas, Schulte, Glick, and Markley) and a percipient witness (Dr. Meeker). Defendants’ attorneys moved to quash B&G’s improper subpoenas. B&G moved to compel further compliance as to Dr. Meeker’s subpoena.

MTQ Case No.	Non-Party Movant	Filing/Transfer Date
2:24-mc-00002-DAD-DB	Noam Glick	12/29/2023; 01/04/2024
2:24-mc-00003-DJC-CKD	Jake Schulte	12/29/2023; 01/04/2024
2:24-mc-00011-DAD-JDP	Shaun Markley	12/29/2023; 01/04/2024
2:24-mc-00014-DAD-JDP	Craig Nicholas	12/29/2023; 01/09/2024
MTC Case No.	Non-Party Respondent	Filing/Transfer Date
2:24-mc-00040-WBS-DB	Dr. John Meeker	01/04/2024; 01/26/2024

Messrs. Nicholas, Schulte, Glick, and Markley (counsel of record for Defendants in this action) all move to quash subpoenas served by B&G since, among other reasons, B&G fails to meet the *Shelton* factors, and the subpoenas impose an undue burden and are harassing. Additionally, the movants request the Court impose sanctions against B&G and its counsel under Rule 26 and/or Rule 45. Separately, B&G filed a motion to compel further compliance against Dr. Meeker related to the subpoena it issued to him.

Under Rule 45(f), Defendants’ counsel and Dr. Meeker consented to and requested a transfer of their subpoena-related matters from the Southern District of California (Defendants’ counsel) and the Eastern District of Michigan (Dr. Meeker) to the Eastern District of California, which is already familiar with the issues presented in this complex case. Therefore, Defendants respectfully

request that each miscellaneous case be assigned to District Court Judge Kimberly J. Mueller and  
Magistrate Judge Deborah Barnes – i.e., the judges overseeing the underlying action.

Respectfully Submitted,  
Dated: February 1, 2024

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By: /s/ Jake W. Schulte  
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